

**COOPERATIVE PHYTOPHTHORA RAMORUM QUARANTINE PROJECT  
COMPLIANCE AGREEMENT**

\_\_\_\_\_ **County Agricultural Commissioner / CDFA / USDA**

*[Pursuant to California Food and Agricultural Code Sections 5705, California Code of Regulations Section 3151, Plant Protection Act, Sect 431 (I), Public Law 106-224, and 7 CFR 301.92]*

\_\_\_\_\_ County Agricultural Commissioners Office  
Street Address  
City Address  
Contact – (Agricultural Commissioner)

Compliance Agreement Number:			
Establishment Name:			
Manager Name:			
Mailing Address:			
Street	City	County	Zip
Phone: (____) ____ - ____		E-Mail: _____@_____	
Fax: (____) ____ - ____			
Thos. Bros:		Latitude:	
Cross Street:		Longitude:	

**Parties:**

The California Department of Food and Agriculture (CDFA), the United States Department of Agriculture (USDA), and the \_\_\_\_\_ County Agricultural Commissioner, cooperating as the Phytophthora Ramorum Quarantine Project

Project Officer:
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Business/Establishment

Establishment Name: (subsequently referred to as "Establishment")

**BACKGROUND:**

The causal pathogen, Phytophthora ramorum, of "Sudden Oak Death (SOD)" presents a real and ongoing threat to the agricultural industry, environment and economy of the State of California. Movement of regulated articles and commodities is a recognized channel for the spread of SOD from established areas to new locations. The Phytophthora Ramorum Quarantine Project is a cooperative effort between public entities that are responsible for mitigating the

movement of SOD from regulated areas where the disease may be established to new locations.

**AGREEMENT:**

- A.** The Phytophthora Ramorum Quarantine Project, hereafter referred to as the Project, will permit your establishment to execute the regulatory requirements outlined in Code of Federal Regulations (CFR) 301.92. Requirements are outlined and attached as exhibits, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits below are attached and binding:

Exhibit A2 – Interstate Regulated Nursery Stock

Exhibit X – Nursery (Non-infested County)

Exhibit Y-Authorization for Certification

- B.** In exchange for the Project's promise contained in sub-paragraph "A" above, the Establishment agrees to abide by the following rules and regulations:
1. Handle, process, and/or move regulated articles in accordance with the regulatory requirements outlined in CFR 301.92;
  2. Follow the instructions outlined in Exhibit Y regarding the use of all certificates;
  3. Maintain and make shipping and receiving records of regulated articles accessible for inspection upon reasonable notice by the Project Officer. These records shall be maintained for a period of the later of 2 years or the resolution of any outstanding claims.
- C.** This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However, the Project may accelerate the notice to immediate for cause, including but not limited to the Establishment's abandonment of the procedures outlined in the attached Exhibit(s).
- D.** Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material.

NOTICE: Any signatory or employee of any signatory who violates the terms of this Compliance Agreement may be subject to Civil Penalties pursuant to California Food and Agricultural Code Section 5705, and 7

Code of Federal Regulations 301.92, Plant Protection Act, Sec. 431 (I),  
Public Law 106-224.

Signed in the County of _____ in the State of California on ____/____/200__	
Establishment by: (print name)	Phytophthora Ramorum Quarantine Project by: (print name)
Manager/Owner (signature):	Project Officer (signature):

**EXHIBIT X- NURSERY (UNINFESTED COUNTY)**

**Provisions for the Interstate Movement of Listed Plants of Nursery Stock:**

Establishment agrees to the following:

**1. Inspection of Nursery**

Establishment shall allow the Project to perform inspections and sampling on listed plants (see Exhibit A2).

**2. Shipping Period**

Establishment may move listed plants interstate from the date the above inspection is completed, including laboratory analysis of symptomatic plant material, until directed otherwise by the Project.

**3. Receipt and Reshipping**

Establishment may receive listed plants originating from other sources, and move them interstate under the following conditions:

- A) The listed plants originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The listed plants originated within the regulated area and are accompanied by appropriate\* quarantine certification, or
- C) The listed plants originated within the regulated area and are not accompanied by appropriate quarantine certification and:
  - 1) The Establishment notifies the Project within one working day of receipt of the shipment, and
  - 2) The Establishment safeguards, segregates, and holds the listed plants off-sale until they are inspected and released by the Project

**4. Restriction on Sources of Regulated Articles**

Establishment may only receive listed plants from other sources under the following conditions:

- A) The listed plants originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The listed plants originated within the regulated area and are accompanied by appropriate\* quarantine certification, or
- C) The uncertified listed plants originated within the regulated area, and:
  - 1) The Establishment notifies the Project within one working day of receipt of the shipment, and
  - 2) The Establishment safeguards, segregates, and holds the listed plants off-sale until they are inspected and released by the Project.

## EXHIBIT X- NURSERY (UNINFESTED COUNTY)

### 5. Maintain Identity

Establishment shall maintain the identity of all listed plants that are in compliance with Provisions 1. Establishment shall maintain the identity of all listed plants that originated from other sources that are in compliance with provisions 3A or 3B.

### 6. Quarantine Certification

The Establishment shall ensure that appropriate quarantine certification accompanies each shipment of listed plants moved out of the regulated area. Listed plants may only be moved out of the regulated area when in accordance with the above provisions and 7 CFR 301.92.

Establishment may provide appropriate quarantine certification for listed plants moved within the regulated area when the listed plants have been inspected in accordance with Provision 1.

### 7. Records

Establishment shall maintain production records or records of receipt for all listed plants moved out of the regulated area. Establishment shall maintain records, as directed by the Project, on each shipment of listed plants moved out of the regulated area. Establishment shall provide such records to the Project Officer once every 30 days, or as specified by the Project Officer. Establishment shall allow the Project perform periodic inspections to verify compliance with this Provision.

### 8. Infected Nursery Stock

If any plant within a nursery is found to be infected with *Phytophthora ramorum*, Establishment shall not move any listed plant, out of the regulated area until such time as the Project can determine that the nursery is free of *Phytophthora ramorum*.

### 9. Notice

Establishment shall provide at least 24 hours notice to the Project Officer when requesting an inspection.

\*A California Certificate of Quarantine Compliance or a USDA Form 527 or 540 (certificate or stamp) is an appropriate quarantine certificate.

A California Nursery Stock Certificate is **not** an appropriate quarantine certificate.

**EXHIBIT Y- Authorization for Certification (NON-INFESTED COUNTY)**  
**Authorization for Certification**

**Business/Establishment Name**

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**Establishment agrees to the following:**

1. Reproduce the Federal certificate following dimensions in example below and using exact language in the example.
2. Use Federal certificate to certify interstate shipments of regulated plant material shipped from growing grounds named in this compliance agreement.
3. Use Federal certificate to certify regulated plant material that has been inspected and found free of symptoms of Sudden Oak Death by agricultural officials.
4. Maintain record of all interstate shipments certified with Federal certificate and make such records available to agricultural officials upon request.
5. Delegate to one person only the authority to reproduce Federal certificate and use to certify interstate shipments of regulated articles.



**Stamp Description:**

Approx. Size: 2"x4"

Font: Arial Black

Font Size: 11

**Compliance Agreement Numbering System:**

First two digits: County Code (i.e.: 30 - Orange County)

Next five digits: Nursery License Number. This should start with letters A, B, C, or D

Last three digits: Nursery location code (Each growing ground has a unique location code already assigned in the Nursery License Number.)

**EXHIBIT Y- Authorization for Certification (NON-INFESTED COUNTY)**

**Authorization for Certification**

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By signing below, Establishment agrees to follow all instructions contained in Exhibit Y, Authorization for Certification.

Signature of Establishment Representative

\_\_\_\_\_ Date \_\_\_\_\_

Signature of County Representative

\_\_\_\_\_ Date \_\_\_\_\_

**Cooperative Sudden Oak Death (SOD) Program**  
**SOD PPQ 527 Certificate (Rubber Stamp or Sticker) Issuance Tracking Log**

[illegible]